

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JOSE ESCOBEDO,

Plaintiff,

v.

CLOVIS TIRE & WHEEL DEALERS INC, et  
al.,

Defendants.

Case No. 1:23-cv-01170-SAB

ORDER DIRECTING CLERK OF COURT TO  
ASSIGN DISTRICT JUDGE TO CLOSE  
CASE AND ADJUST THE DOCKET TO  
REFLECT VOLUNTARY DISMISSAL  
PURSUANT TO RULE 41(a) OF THE  
FEDERAL RULES OF CIVIL PROCEDURE

(ECF No. 11)

On January 3, 2024, Plaintiff filed a notice of voluntary dismissal of the entire action without prejudice and with each party to bear its own costs and fees. (ECF No. 11.) Under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, “a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)).

In light of the notice of dismissal, this action has been terminated, Fed. R. Civ. P. 41(a)(1)(A)(i); Wilson v. City of San Jose, 111 F.3d at 692, and has been dismissed without prejudice and without an award of costs or attorneys’ fees.

///

///

///

1 Accordingly, the Clerk of the Court is HEREBY DIRECTED to assign a District Judge to  
2 this case for the purpose of closing the case and then to adjust the docket to reflect voluntary  
3 dismissal of this action pursuant to Rule 41(a).

4  
5 IT IS SO ORDERED.

6 Dated: **January 4, 2024**

  
UNITED STATES MAGISTRATE JUDGE